

U.S. PATENT & TRADEMARK OFFICE
OCT 28 2004

**REQUEST
FOR
CONTINUED EXAMINATION (RCE)
TRANSMITTAL**

Subsection (b) of 35 USC §132, effective on May 29, 2000,
provides for continued examination of an utility or plant application
filed on or after June 8, 1995.

See The American Inventors Protection Act of 1999 (AIPA).

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|------------------------|-----------------------|
| Application Number | 09/835,138 |
| Filing Date | April 16, 2001 |
| First Named Inventor | Nikolaus DEMHARTER |
| Group Art Unit | 2111 |
| Examiner Name | Raymond Ngan Phan |
| Attorney Docket Number | 5367-28RCE |

This is a Request for Continued Examination (RCE) under 37 C.F.R. § 1.114 of the above-identified application.

Note: 37 C.F.R. § 1.114 is effective on May 29, 2000. If the above-identified application was filed prior to May 29, 2000 applicant may wish to consider filing a continued prosecution application (CPA) under 37 C.F.R. § 1.53(d) (PTO/SB/29) instead of a RCE to be eligible for the patent term adjustment provisions of the AIPA. See Changes to Application Examination and Provisional Application Practice, Interim Rule, 65 Fed. Reg. 14865 (Mar. 20, 2000), 1233 Off. Gaz. Pat. Office 47 (April 11, 2000), which established RCE practice.

1. **Submission required under 37 C.F.R. § 1.114**

- a. ☐ Previously submitted
- i. ☐ Consider the amendment(s)/reply under 37 C.F.R. § 1.116 previously filed on. (Any unentered amendment(s) referred to above will be entered).
- ii. ☐ Consider the arguments in the Appeal Brief or Reply Brief previously filed on
- iii. ☐ Other
- b. ☒ Enclosed
- i. ☐ Amendment/Reply
- ii. ☐ Affidavit(s)/Declaration(s)
- iii. ☒ Information Disclosure Statement (IDS)
- iv. ☐ Other
- 11/01/2004 TBESHAH1 00000021 09835138
01 FC:1801 790.00 OP

2. **Miscellaneous**

- a. ☐ Suspension of action of the above-identified application is requested under 37 C.F.R. § 1.103(c) for a period of months. (Period of suspension shall not exceed three months; Fee under 37 C.F.R. § 1.17(I) required)
- b. ☐ Other

Fees

3. The RCE fee under 37 C.F.R. 1.17(e) is required by 37 C.F.R. 1.114 when the RCE is filed.
- a. ☒ The Director is hereby authorized to charge the following fees, or credit any overpayments, to Deposit Account No.: 03-2412.
- i. ☒ RCE fee required under 37 C.F.R. § 1.17(e), if not already paid by check
- ii. ☐ Extension of time fee (37 C.F.R. §§ 1.136 and 1.17), if not already paid by check
- iii. ☐ Small Entity Status is being claimed for this application.
- vi. ☐ Other
- b. ☒ Check in the amount of \$790.00 enclosed.
- c. ☐ Payment by credit card (Form PTO-2038 enclosed)

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

| | | | |
|-------------------|----------------------|-----------------------------------|------------------|
| Name (Print/Type) | Thomas Langer | Registration No. (Attorney/Agent) | 27,264 |
| Signature | <i>Thomas Langer</i> | Date | October 28, 2004 |

CERTIFICATE OF MAILING OR TRANSMISSION

I hereby certify that this correspondence is being deposited with the United States Postal Service by Express Mail # EV 495884702 US on October 28, 2004.

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|-------------------|----------------------|------|------------------|
| Name (Print/Type) | Thomas Langer | Date | October 28, 2004 |
| Signature | <i>Thomas Langer</i> | | |